

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred
3 House Bill No. 102 entitled “An act relating to the Art in State Buildings
4 Program” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. REPEAL

8 29 V.S.A. chapter 2 (art in state buildings) is repealed.

9 Sec. 2. 29 V.S.A. chapter 2 is added to read:

10 CHAPTER 2. ART IN STATE BUILDINGS

11 § 41. PURPOSE AND INTENT

12 (a) Purpose. The State of Vermont recognizes that public art contributes to
13 the State’s identity by improving the character and quality of State buildings;
14 enhancing the workplace of State employees by creating an environment of
15 distinction, enjoyment, and pride; and adding value to the cultural, aesthetic,
16 and economic vitality of the State.

17 (b) Intent. It is the intent of the General Assembly to support Vermont
18 artists and the benefits of public art by providing ongoing funding for the
19 commissioning of works of art for installation in State buildings and facilities.

20 § 42. DEFINITIONS

21 As used in this chapter:

1 (1) “Addition” means any new construction that increases the height or
2 floor area of an existing building or facility.

3 (2) “Art selection panel” means a Council-appointed group of
4 individuals consisting of the Department of Buildings and General Services
5 project manager, the project architect, a representative or representatives from
6 the occupant agency or agencies, the community, and arts professionals who
7 forward recommendations of artwork to the Advisory Committee for final
8 endorsement.

9 (3) “Commissioner” means the Commissioner of Buildings and General
10 Services.

11 (4) “Contracting agency” means the administrative unit of State
12 government responsible for securing the preparation of plans and specifications
13 of a State building or facility for the purpose of negotiating or advertising for
14 bids for the construction of such building or facility.

15 (5) “Council” means the Vermont Council on the Arts, Inc.

16 (6) “Mixed media” means any combination of two or more types of
17 materials used to create a single work of art in two or three dimensions.

18 (7) “Occupant agency” means that public entity that has or will have
19 principal authority to use or occupy a public building.

1 (8) “Project cost” means the budgeted cost of a construction or
2 renovation project, excluding the cost of design and of land acquisition or land
3 improvement.

4 (9) “Project site” means any State building or facility undergoing new
5 construction or renovation with a total project cost of \$1,000,000.00 or more
6 that is funded from an appropriation or appropriations in one or more capital
7 construction act and has been recommended for consideration by the
8 Commissioner pursuant to this chapter.

9 (10) “Renovation” means any addition or any improvement to an
10 existing building or facility. The term does not include repairs or maintenance
11 to an existing building or facility.

12 (11) “State building or facility” means any State building, facility,
13 permanent structure, park, or appurtenant structure thereof, wholly or partially
14 enclosed, owned or leased by State government, that is to be constructed or
15 renovated in part or totally with funds from any appropriation from the capital
16 construction act. The term does not include highways, airport runways, or taxi
17 ways, hangars, railroad tracks, sidings or yards, garages, sheds, warehouses,
18 heating plants, sewers, parking lots, bridges, highway garages, or buildings
19 used for storage or that are of a temporary nature. The term does not include
20 buildings or facilities owned by units of local government, including school
21 districts.

1 (12) “Work of art” means an original creation of visual art in sculpture,
2 paintings, graphic arts, mosaics, photography, crafts, calligraphy, mixed media,
3 or any other creation that the Advisory Committee deems a visual art. Works
4 of art may be attached to the structure of a State building or facility or may be
5 detached within or outside the structure.

6 § 43. ART IN STATE BUILDINGS PROGRAM

7 (a) Program established. There is established the Art in State Buildings
8 Program to authorize the State to fund and contract for the design, purchase,
9 commission, fabrication, installation, and integration of permanent works of art
10 during the design of new construction or renovation of State buildings and
11 facilities. Works of art may be donated to the Program pursuant to the
12 guidelines established in subdivision (b)(2) of this section, provided the
13 donation meets the purpose and intent of the Program as described in section
14 41 of this chapter.

15 (b) Administration.

16 (1) The Vermont Council on the Arts, in coordination with the
17 Department of Buildings and General Services and the Art in State Buildings
18 Advisory Committee, shall administer the Program.

19 (2) The Commissioner of Buildings and General Services shall establish
20 procedures to administer this chapter, including procedures for communicating
21 with artists interested in donating works of art to the Program and the

1 acceptance of donated works of art to the Program, pursuant to the
2 requirements of 32 V.S.A. § 5.

3 (3) The Council shall establish contract procedures for commissioning
4 with artists for the design and creation of works of art.

5 (c) Project site selection process.

6 (1) On or before July 1 each year, the Commissioner of Buildings and
7 General Services shall recommend to the Council project sites for
8 consideration under this chapter for the installation of artwork. In
9 recommending a project site to the Council, the Commissioner shall give
10 priority to buildings and facilities that are frequently visited by members of the
11 public.

12 (2) The Commissioner and the Council shall present the
13 recommendations to the Art in State Buildings Advisory Committee for final
14 approval.

15 (d) Project design.

16 (1) Upon final selection for any approved project site, the contracting
17 agency, in coordination with the Department of Buildings and General
18 Services, shall:

19 (A) notify the architect of the provisions of this chapter, including the
20 architect's participation on the art selection panel; and

1 (B) notify the Commissioner and the Council of the selection of the
2 architect and the details of the project.

3 (2) The Commissioner of Buildings and General Services shall:

4 (A) ensure that early in the building design phase, the architect will
5 discuss the potential placement and form of artwork with the art selection
6 panel and the selected artist, and that bid specifications will inform potential
7 contractors of the artwork to be installed in the building or facility; and

8 (B) assist occupant and contracting agencies in locating liability
9 insurance for artwork when necessary.

10 (e) Artist selection process.

11 (1) Upon final approval of any project site by the Advisory Committee
12 pursuant to subdivision (c)(2) of this section, the Council shall facilitate a
13 process with the appointed art selection panel that will result in a
14 recommendation of an artist or artist team for each project selected for
15 installation of artwork. Priority in acquisitions and commissions of works of
16 art shall be given to Vermont artists.

17 (2) The artist or artist team shall collaborate with the project architect or
18 design team and the art selection panel during the initial design phase of the
19 project.

1 (3) The Council shall arrange contracts with artists and order payments
2 from the Art Acquisition Fund for the design and fabrication of such works of
3 art.

4 (f) Installation of works of art. The Commissioner of Buildings and
5 General Services and the Council shall review the final installation and
6 placement of works of art.

7 (g) Ownership of works of art. The State of Vermont shall be the sole
8 owner of all works of art acquired or commissioned through the Program.
9 Title shall vest in the State upon completion of installation and final
10 acceptance of the work of art.

11 § 44. ADVISORY COMMITTEE

12 (a) Establishment. There is established the Art in State Buildings Advisory
13 Committee to oversee the administration of the Program.

14 (b) Members. The Advisory Committee shall consist of the following or
15 designee:

16 (1) the Commissioner of Buildings and General Services;

17 (2) the Director of the Arts Council;

18 (3) the Chairs of the House Committee on Corrections and Institutions
19 and the Senate Committee on Institutions;

20 (4) the State Curator; and

21 (5) the Chair of the Vermont Board of Architects.

1 (c) Powers and duties. The Committee shall:

2 (1) provide final approval of project sites; and

3 (2) establish guidelines for the selection, acquisition, and commission of
4 works of art.

5 (d) Compensation and reimbursements. Legislative members of the
6 Committee shall be entitled to per diem compensation and expense
7 reimbursement for attending Committee meetings pursuant to the provisions of
8 2 V.S.A. § 23.

9 § 45. ART ACQUISITION FUND

10 (a) Creation. The Art Acquisition Fund, administered by the Council, is
11 created to finance the design, construction, integration, and purchase or
12 commissioning of works of art for the Art in State Buildings Program.

13 (b) Source of funds. The Fund shall be composed of any amounts
14 transferred or appropriated to it by the General Assembly.

15 (c) Use of funds. Amounts in the Fund shall be expended upon order of the
16 Council for the acquisition or commissioning of works of art and
17 administration of the Program.

18 (d) Fund balances. Any balance remaining at the end of the fiscal year
19 shall remain in the Fund.

1 (e) Administration costs. In each fiscal year, the Council may use not more
2 than 15 percent of funds transferred or appropriated to the Fund for the
3 expenses of administering this chapter.

4 (f) Funding requests. The Commissioner of Buildings and General
5 Services shall include in its proposed biennial capital budget request, as
6 described in 32 V.S.A. § 310, a separate line item of not less than \$75,000.00
7 in any single fiscal year for the Art Acquisition Fund.

8 Sec. 3. 29 V.S.A. § 154a is amended to read:

9 § 154a. STATE CURATOR

10 (a) Creation. The position of State Curator is created within the
11 Department of Buildings and General Services.

12 (b) Duties. The State Curator's responsibilities shall include:

13 (1) oversight of the historical integrity of the State House;

14 (2) interpretation of the State House to the visiting public through
15 exhibits, publications, tours, and other means of communication;

16 (3) acquisition, management, and care of State collections of art, historic
17 artifacts, and furnishings, provided that all items obtained for the State House
18 are acquired pursuant to the collections policy adopted pursuant to subsection

19 (c) of this section; ~~and~~

20 (4) oversight and management of the State's historic and contemporary
21 art and collections in other State buildings and on State property; and

